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DE RUEHIL #4064/01 2631141
ZNR UUUUU ZZH
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FM AMEMBASSY ISLAMABAD
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1843
INFO RUEHBUL/AMEMBASSY KABUL PRIORITY 7535
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 1787
RUEHKP/AMCONSUL KARACHI PRIORITY 7393
RUEHLH/AMCONSUL LAHORE PRIORITY 3461
RUEHPW/AMCONSUL PESHAWAR PRIORITY 1923
RUMICEA/USCENTCOM INTEL CEN MACDILL AFB FL PRIORITY
RUEHNO/USMISSION USNATO PRIORITY 2983
RUEKJCS/SECDEF WASHINGTON DC PRIORITY
RHMFISS/CDR USCENTCOM MACDILL AFB FL PRIORITY
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UNCLAS SECTION 01 OF 02 ISLAMABAD 004064

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C O R R E C T E D C O P Y (602 TO 702, PARA 1)

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E.O. 12958: N/A
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SUBJECT: PAKISTAN'S PRESIDENTIAL ELECTIONS: A PRIMER

REF: ISLAMABAD 4024

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1. (SBU) On September 20, Pakistan's Election Commission announced that the presidential election will be held on October 6. This cable outlines the process through which President Musharraf plans to be re-elected.

WHEN WILL THE PRESIDENTIAL ELECTIONS OCCUR?

-- On October 6.

WHO CAN NOMINATE PRESIDENTIAL CANDIDATES?

-- Any member of the Senate, National Assembly, or the four Provincial Assemblies can nominate candidates for President. The nomination must be seconded by another member and consented to, in writing, by the candidate. The Chief Election Commissioner oversees the presidential election process. Nomination papers must be filed by September 27.

WHO CAN QUALIFY AS A PRESIDENTIAL CANDIDATE?

-- Presidential candidates must be Muslims of at least 45 years of age and meet the qualifications to become a member of the National Assembly.

WHO DECIDES IF PRESIDENTIAL CANDIDATES ARE QUALIFIED?

-- The Chief Election Commissioner makes the final qualification decision during a day of "scrutiny." The Election Commission recently revised its rules to allow civil servants (like President Musharraf, who is still serving as Chief of Army Staff) to contest as candidates, but the Supreme Court ultimately has the power to overrule the Commissioner's decisions.

WHAT IF ONLY ONE CANDIDATE QUALIFIES? IS THERE STILL AN ELECTION?

-- If the Chief Election Commissioner determines during his scrutiny that there is only one qualified candidate, he declares the candidate as President immediately. If there is more than one candidate after the deadline for candidates withdrawals has passed, the Chief Election Commissioner proceeds with the election.

WHO VOTES FOR THE PRESIDENT?

-- Members of the Senate (100), National Assembly (342), and the Provincial Assemblies of Punjab (371), Sindh (168), Balochistan (65), and the Northwest Frontier Province (124).

-- Through a complex system of weighted voting in the Provincial Assemblies, up to 702 votes can be cast for president.

WHAT WILL HAPPEN ON ELECTION DAY?

-- The Senate, National Assembly, and four Provincial Assemblies each hold secret ballots. After the poll, ballots are returned to the Chief Election Commissioner, who counts the votes and declares the winner.

WHAT IF THE OPPOSITION RESIGNS FROM THE NATIONAL AND/OR PROVINCIAL ASSEMBLIES? CAN THERE STILL BE A PRESIDENTIAL ELECTION?

-- Since there is no constitutional provision for delaying presidential elections due to resignations, abstentions, or even for the dissolution of Provincial Assemblies, the effect of a potential opposition walkout would be a political, not a procedural, problem.

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RESULTS

-- The candidate with a simple majority wins.

CAN THE RESULTS OF A PRESIDENTIAL ELECTION BE CHALLENGED?

-- Article 41(6) of the Constitution states that "The validity of the election of the president shall not be called in question by or before any court of other authority;" however, the Supreme Court could rule that President Musharraf is not eligible to run for president.

WHAT SHOULD HAPPEN AFTER THE PRESIDENTIAL ELECTIONS ARE OVER?

-- The National Assembly's five-year term expires on November 15. The Constitution calls for general elections to be within 60 days (by January 15, 2008). After the National Assembly's term expires, the President will appoint a caretaker cabinet to oversee the government until general elections are held and new assemblies have taken office early next year.

12. (SBU) Comment: Now that the election schedule has been announced, the opposition parties will have to decide if they will field contesting candidates or boycott the exercise entirely. Either way, as long as the national ruling coalition led by the Pakistan Muslim League sticks by President Musharraf, he will easily win. However, the Supreme Court remains a wild card. Decisions in pending cases challenging Musharraf's right to run for office are expected as early as this week (reftel). End Comment.
PATTERSON